

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THOMAS PROCTOR, JR.,

Plaintiff(s)

vs.

JAMES ERWIN, Warden,

Defendant(s)

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Case Number: 1:02cv491-SJD

District Judge Susan J. Dlott

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the petition for writ of habeas corpus is DENIED with prejudice

. . . that with respect to any application by petitioner to proceed in forma pauperis, the Court certifies pursuant to 28 USC 1915(a)(3) that an appeal would not be taken in good faith and therefore DENIED petitioner leave to appeal in forma pauperis.

. . . that a certificate of appealability shall not issue with respect to petitioner's grounds for relief alleged in the petition because jurists of reason would not find it debatable as to whether this Court is correct in its procedural ruling under the first prong of the applicable two-part standard enunciated in *Slack v McDaniel*.

9/20/04

JAMES BONINI, CLERK

s/Stephen Snyder  
Deputy Clerk

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.